



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,245	08/22/2003	Thomas B. Garman	29953-209459	9405
26694	7590	01/12/2006	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			PATTERSON, MARC A	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,245

Applicant(s)

GARMAN, THOMAS B.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 24 – 30 as being anticipated by De Cuyper (U.S. Patent No. 6,079,579), of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Cuyper (U.S. Patent No. 6,079,579).

With regard to Claims 24 and 26 – 30, De Cuyper discloses a preform and an attachment object (cap having a security strip, therefore a jacket; column 2, lines 29 – 31; column 4, line 24) the attachment object having a ring (therefore a circumferentially continuous or circumferentially split ring; column 2, lines 36 – 37) in abutting external engagement with a portion of the preform (lies against a seat, therefore received over the seat, which is an attachment feature; column 3, lines 63 – 65); Figure 10 shows that the ring is seated between two projections, numbered '122,' therefore captured between a radially outwardly projecting circumferential flange and an external protrusion, which is also a retention bead for retaining the ring, spaced apart from the flange. De Cuyper fails to disclose engagement which is in such a way that interference between the ring

and the portion of the preform prevents dislodgement or removal of the attachment object.

However, De Cuyper teaches the selection of the desired shape of the ring depending on the desired interaction with the projections (a suitable rounded profile means that good guidance is obtained; column 4, lines 30 – 37). Therefore, one of ordinary skill in the art would have recognized the utility of varying the shape of the ring to obtain the desired interaction. Therefore, the interaction would be readily determined by through routine optimization of the shape of the ring by one having ordinary skill in the art depending on the desired use of the end product as taught by De Cuyper.

It therefore would be obvious for one of ordinary skill in the art to vary the shape of the ring in order to obtain the desired interaction, and therefore interference with the projections, since the interaction would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by De Cuyper.

With regard to Claim 25, the ring disclosed by De Cuyper is in surface press fit engagement with the surface of the preform (the cap is attached by a snap connection; column 4, lines 33 – 37).

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 24 – 30 as being anticipated by De Cuyper (U.S. Patent No. 6,079,579), of record on page 2 of the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 6 of the remarks dated October 28, 2005, that De Cuyper does not disclose a preform and attachment object which are adapted to be received in a blow mold together and blow molded into a container.

However, term 'together' is not claimed; furthermore, because the assembly disclosed by De Cuyper includes a preform, which is an object which is adapted to be received in a blow mold, the disclosed assembly is partially adapted to be received in a blow mold.

Applicant also argues, on page 7, that the disclosed perform is not adapted to be received in a blow mold with the attachment object attached.

However, De Cuyper states that disclosed attachment is a hinged cap (column 3, lines 55 – 60), which therefore remains attached to the cap while the cap is not closing the preform; De Cuyper therefore discloses a preform and cap which are adapted to be received while attached.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 1/9/06

Marc A. Patterson, PhD.

Examiner

Art Unit 1772